

March 31, 2004

The Honorable Sheila Roberge, Chairman
Senate Public Affairs Committee
Room 105-A, State House
Concord, NH 03301

Re: HB 761, enabling towns to adopt subdivision and site plan review regulations that require innovative land use controls on certain lands when supported by the master plan, making a change in an innovative land use control, and relative to the preliminary review of subdivisions

Dear Chairman Roberge:

Thank you for the opportunity to comment on HB 761, which would provide municipalities with additional tools to better manage growth and development. The Department of Environmental Services (DES) supports this legislation.

These tools, which directly support the state's smart growth objectives of RSA 9-B, can help communities limit sprawl, protect important natural resources, and improve the quality of subdivisions. They can also help communities manage development across the landscape and mitigate significant threats to environmental quality often caused by development.

By requiring the use of innovative land use controls when developing certain lands, municipalities can reduce the amount of land consumed by development and protect important resources. For example, cluster or conservation subdivision design supports many environmental objectives including conserving important wildlife habitat, maintaining open lands to allow infiltration to recharge groundwater resources, and preserving undisturbed buffer areas to protect the quality of surface waters.

Similarly, transfer of density rights gives a community a way to direct development to areas that are socially preferable while maintaining the value of individual property rights.

By requiring preliminary reviews of subdivisions, municipalities will have greater opportunity to influence the design of a new development to ensure that the proposed development is consistent with the town's efforts to protect vital natural resources, such as drinking water sources and groundwater supplies. Many responsible developers already take advantage of the opportunity for a preliminary review of their proposals. A preliminary review presents an opportunity for the town to offer meaningful input on the design of the subdivision before extensive resources are invested in developing a final plan and obtaining the necessary permits.

The Honorable Sheila Roberge, Chairman
Senate Public Affairs Committee
March 31, 2004
Page 2

Thank you for your consideration. Please contact Carolyn Russell at 271-3010 or me at 271-3449 if you have any questions.

Sincerely,

Michael P. Nolin
Commissioner

Cc: Representatives Spang, Akins, Twombly, Christensen, Shultis
Senator Sapareto